

Application No.: 09/773257

Docket No.: FBT-002

REMARKS

Claims 1-26 were presented for examination. The Office Action rejects claims 7-26 under 35 U.S.C. § 112, first paragraph, claims 1-26 under 35 U.S.C. § 101, claims 1-5 and 7-11 under 35 U.S.C. § 102(e), and claims 6 and 12-26 under 35 U.S.C. § 103(a). Applicants herein amend claims 1, 5-7, and 16 as set forth above. Claims 1-26 remain pending in the application, and claims 1 and 7 are independent.

Rejections under 35 U.S.C § 112

The Office Action rejects claims 7-26 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants herein amend claim 7 such that it is no longer a single means claims. As such, Applicants respectfully request that the rejection of claims 7-26 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejections under 35 U.S.C § 101

The Office Action rejects claims 1-26 under 35 U.S.C. § 101 as being non-statutory subject matter. Applicants herein amend independent claims 1 and 7 as set forth above. Applicants respectfully submit that independent claims 1 and 7, as amended, when given the broadest reasonable interpretation do not encompass a human being. Therefore, Applicants respectfully request that the rejection of claims 1-26 under 35 U.S.C. § 101 be withdrawn.

Rejection of claims 1-5 under 35 U.S.C § 102

The Office Action rejects claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,477,503 to Mankes ("Mankes"). Applicants traverse the rejection to the extent it is maintained against presently amended claim 1.

Mankes features a reservation server in communication with a local server. The local server controls the making of reservations. That is, reservations can only be made through the local server. If a customer tries to make a reservation using the reservation server, the reservation server of Mankes must communicate with the local server to receive confirmation of availability for the reservation from the local server. The system of Mankes is similar to those described in the introduction of Applicants' application.

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Applicants' amended claim 1 recites a communication link between a central reservation provider and one or more respective individual service providers that is activated when a reservation requested from either the central reservation provider or the an individual service provider is not available. Upon activation of the link, available reservations are transferred between the central reservation provider and the individual service provider thereby allowing the reservation to be made at either of the central reservation provider or the individual service provider. A first portion of the available reservations for the individual service provider is held by that provider itself and another portion is held by the central reservation provider. When a user requests a reservation from either the individual service provider or the central reservation provider, the reservation can be made directly with that respective provider if it has sufficient availability. If a reservation requested from either the individual service provider or the central reservation provider is not available at that provider, the link between the providers is activated and available reservations can be transferred to the provider at which the reservation has been requested, thus allowing the requested reservation to be made.

In contrast to the system of Mankes, there is no need for continual communication between the individual service provider and the central reservation provider. Instead, communication between the individual service provider and the central reservation system occurs when a reservation requested from either the central reservation provider or the individual service provider is not available. As such, Mankes fails to anticipate Applicants' claimed invention.

Claims 2-5 depend directly or indirectly from allowable claim 1 and recite further limitations thereon. As such, for at least those reason set forth above Mankes fails to anticipate claims 2-5. Therefore, Applicants respectfully request that rejection of claims 1-5 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejection of claims 6 under 35 U.S.C § 103

The Office Action rejects claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Mankes in view of United States Patent Application Publication No. 2002/0116232A1 to Rapp *et al.* ("Rapp"). Applicants traverse this rejection.

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Applicants argued above why Mankes fails to teach, suggest, or disclose the invention as set forth in the Applicants' claims. Those arguments apply with equal force and effect here and are reiterated in full.

Rapp is directed to an internet-based application that allows vendors to manage their appointment books and allows customers to schedule appointments with a vendor 24 hours a day and from any location. Rapp fails to disclose, teach, or suggest a communication link between a central reservation provider and one or more respective individual service providers that is activated when a reservation requested from either the central reservation provider or the an individual service provider is not available, as set forth in Applicants' claimed invention. As such, any hypothetical combination of Mankes and Rapp also fails to disclose, teach, or suggest Applicants' claimed invention. Therefore, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C § 103(a) be reconsidered and withdrawn.

Rejection of claims 7-11 under 35 U.S.C § 102

The Office Action rejects claims 7-11 under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. 2002/0032588 to Glazer *et al.* ("Glazer"). Applicants traverse the rejection to the extent it is maintained against amended claim 7.

Glazer is directed to graphical scheduling system and method. In Glazer, a sponsoring organization (e.g., a dentist's office) is connected to a central controller that maintains a customer database related to the sponsoring organization. The central controller forwards personalized e-mail messages at the appropriate times to the customers. The customer then schedules an appointment by viewing a web-based calendar that shows available appointment times and selecting a time for the appointment.

Applicants' amended claim 7 recites a reservation system for reserving one of a plurality of items (e.g., tables of a restaurant). The system divides the available time periods of each of the plurality of items into consecutive time blocks to provide a set of time blocks that represents the total availability of the plurality of items. The blocks from more than one of the plurality of items can be combined to provide the requested total reservation time. For example, if a restaurant has two tables, the availability for a reservation can be determined by combining available time blocks from each the tables. In contrast to Applicants' claimed invention, Glazer

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only allows making a reservation for a single item (e.g., a dentist) and does not feature combining time from multiple items (e.g., two or more dentists) to provide the total requested reservation time. By way of example, a customer using the system of Glazer can neither schedule an hour appointment with dentist if the dentist has only one half of an hour of available time, nor combine available time with a second dentist to create an hour appointment with the first dentist. Therefore, Glazer fails to anticipate the invention as set forth in Applicants' amended claim 7.

Claims 8-11 depend directly or indirectly from allowable claim 7 and recite further limitations thereon. As such, for at least those reason set forth above Glazer fails to anticipate claims 8-11. Therefore, Applicants respectfully request that rejection of claims 7-11 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejection of claims 12-26 under 35 U.S.C. § 103

The Office Action rejects claims 12-22 under 35 U.S.C. § 103(a) as being unpatentable over Glazer. Applicants traverse the rejection to the extent it is maintained against claims 12-22. Claims 12-22 depend directly or indirectly from allowable claim 7 and recite further limitations thereon. Therefore, for at least those reasons present with respect to claim 7, claims 12-22 are also allowable. Therefore, Applicants respectfully request that the rejection of claims 12-22 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

The Office Action rejects claims 22-26 under 35 U.S.C. § 103(a) as being unpatentable over Glazer in view of Mankes. Applicants traverse this rejection.

Mankes, as discussed above, fails to cure the deficiencies of Glazer with respect to claim 7. As such, any hypothetical combination of Glazer and Mankes also fails to disclose, teach, or suggest Applicants' claimed invention. Therefore, Applicants respectfully request that the rejection of claims 22-26 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. FBT-002 from which the undersigned is authorized to draw.

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Respectfully submitted,

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